

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

C.A., an infant, by and through her Father and next friend, GOLDEN ACHUMBA, ET AL.,	*
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Plaintiffs	*
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v.	*
	Case No.: RWT 09cv2159
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AMERICAN HONDA MOTOR CO., ET AL.,	*
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Defendants.	*
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MEMORANDUM OPINION

Before this Court is a Motion for Jurisdictional Discovery filed by Defendant American Honda Motor Co., Inc. (“AHM”) [Paper No. 20]. Because the Court concludes that jurisdictional discovery is warranted, the Court grants Defendant’s motion.

On August 17, 2009, AHM filed a notice of removal with this Court, removing this case from the Circuit Court for Prince George’s County, Maryland, based on diversity jurisdiction. On August 20, 2009, Plaintiffs filed a motion to remand because, in their view, the parties lack complete diversity. In particular, Plaintiffs allege that Plaintiffs and Defendant Edna Achumba are all residents of the State of Maryland. On September 1, 2009, AHM filed its removal statement, asserting that removal is proper because Mrs. Achumba was fraudulently joined in this case and/or because Mrs. Achumba should be realigned as a Plaintiff. AHM’s theory of realignment is based in part on Mrs. Achumba’s affidavit, which AHM acquired after it initially removed this case to this Court. On September 20, 2009, AHM filed its motion for jurisdictional discovery to investigate its theories of fraudulent joinder and realignment.

The Court concludes that jurisdictional discovery is proper in this case to determine whether it has diversity jurisdiction. See Boss v. Nissan N. Am., Inc., Nos. 05-1414, 05-1442, 2007 WL 1482013, at *4 (4th Cir. May 22, 2007) (noting that the plaintiff could have sought further discovery to investigate his claims of fraudulent joinder). AHM's theory of fraudulent joinder depends on whether Mrs. Achumba negligently operated the vehicle, and its theory of realignment depends on whether Mrs. Achumba's interests align with her children. Accordingly, the Court views investigation of the circumstances surrounding the crash, Mrs. Achumba's affidavit, and the interactions she has had with Plaintiff's counsel as appropriate to aid the Court in determining whether Mrs. Achumba is a proper, non-diverse defendant in this case.

For these reasons, the Court will grant, by separate order, AHM's Motion for Jurisdictional Discovery [Paper No. 20].

Date: October 15, 2009

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE